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ABSTRACT

These learning materials are centered around the idea that each individual should "sign" the U.S. Constitution. A facsimile of the U.S. Constitution is included in each learning packet for students to sign. Section 1 contains five teaching modules on the constitutional process that can be used with any subject. The first two modules, "Students Have the Right To Vote" and "Should There be a Dress Code," are appropriate for use in kindergarten through grade six. First Amendment rights and an elementary school dress code are analyzed in module 2 through a case study. Modules 3 through 5 are appropriate for junior and senior high level. Freedom of expression and student newspapers are examined using a case study. The legal brief method is used to analyze the dilemma posed in a case study involving the cancellation of the senior prom due to an unauthorized senior cut day. A resource document on student rights and responsibilities is included to aid in implementing this lesson. Module 5 examines the constitutional issues involved in the sale and distribution of obscene materials as citizen groups petition against such sales. Section 2 contains instructional activities on constitutional issues that can be adapted to different grade levels. Section 3 discusses the difference between constitutional and statute law. Concluding activities present ideas to encourage students to sign the U.S. Constitution. (SM)

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YOUR OFFICIAL U.S. CONSTITUTION

SIGN-ON INFORMATION & DOCUMENTS

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"...The signing of the document (the Constitution) is among the greatest of events. It marks the point of time at which the heritage of a culture became the promise of American Life."

Walter H. Hamilton
The Constitution Reconsidered

OFFICIALLY RECOGNIZED BY
THE COMMISSION ON THE BICENTENNIAL
OF THE UNITED STATES CONSTITUTION

THE NATIONAL CONFERENCE
OF CHRISTIANS AND JEWS

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CATHERINE PICKLE AND NCCJ BICENTENNIAL PROJECT TEAM, MEMPHIS, TENNESSEE

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INTRODUCTION

The strength and vitality of the United States as a government and as a society depend on the active participation of the people in the processes of democracy. The 200th anniversary of the Constitution provides occasion for Americans of all ages to study the meaning and forms of our republic; to "Sign on" to the democratic way of life begun in Philadelphia in 1787 when 39 signers put their names to a document setting forth the framework for a new kind of nation.

This kit contains materials for classroom activities to help students learn about—and experience—the richness of democracy in everyday life and to make a commitment to participation by literally "signing on."

We offer this material not as a full curriculum but as modules that may be used with virtually any subject matter. The modules pertain to the Constitution as a whole: the original articles signed in 1787, the Bill of Rights ratified in 1791 and subsequent Amendments. Reference is also made to the legislative, judicial and administrative processes through which a democratic government functions. A major focus is on how people interact and live together in a constitutional system.

Five sets of modules developed and piloted in Memphis, Tennessee cover kindergarten through senior high school. Two others are for junior or senior high school use. The concluding "Idea Bank" contains activities that can be adapted for many grade levels. Given the large number of school districts receiving this material, we ask that modules and general contents be copied locally for distribution to teachers.

Modules build toward "Sign On" by students (and teachers) using constitutional facsimilies and, where appropriate, to the distribution of "I Signed On" wallet cards. The facsimilies and cards are available in quantity. Facsimile posters signed during the 1986-87 academic year should be returned to NCCJ for presentation to appropriate officials during the Constitution Bicentennial celebration in Philadelphia, September 17, 1987. (See reverse page for copying, ordering and return information).

We think it is important to remember that the U.S. Constitution as it exists today has undergone changes (amendments) usually aimed at achieving more inclusive participation of people. "We the people . . ." did not originally include everyone, notably black Americans and women. Over the years, some ethnic groups have not felt as welcome in the democratic experience as others. But one marvel of the Constitution is the way in which the basic democratic processes it upholds become more inclusive through its continuity.

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at Indianapolis, Indiana

PHOTOCOPYING/DISTRIBUTION/ORDERING

In addition to the modules in this kit, the NCCJ is providing the following resources for the "Sign on" project:

* Facsimile Constitutions (posters) for "Sign On."
* "I Signed On" wallet cards.

The following provides information on copying, distribution and ordering.

Facsimiles of the Constitution and wallet cards are available in quantity. In some cases these are on hand in school district offices; in others, they should be obtained from NCCJ regional or national offices. Addresses and telephone numbers of these offices are below.

Local photocopying of sections of this material for teachers of various grades will be necessary. Because we cannot provide extra kit folders, the cover page can also be photocopied in order to present an attractive package. When copying, be sure to include the general introduction to the kit and the page with addresses of NCCJ offices in case teachers wish to obtain more material.

Facsimiles (posters) signed in the 1986-87 academic year should be returned to NCCJ National Offices no later than mid-July, 1987.

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Five Teaching Modules on the Constitutional Process

by Catherine Pickle and NCCJ Bicentennial Project Team

INTRODUCTION

Prior to developing the modules, Dr. Pickle held a workshop with the project development team. We have included a description of the workshop sessions to give you an appreciation of the *process* used to prepare these modules.

The titles of the five teaching modules which were prepared for this program are:

K-6 *Students Have The Right To Vote.*
Should There Be A Dress Code?

7-12 *Whose Newspaper Is It?*
What About Our Prom?
A Matter Of Public Sentiment.

Two basic formats are used in the modules; the case study method and the legal brief method. The case study method was only used for K-6, while both case study and legal brief methods were used for 7-12. For elementary school modules, the teachers decided that an adaptation of the model developed by Galbraith and Jones in their book, *Moral Reasoning: A Teaching Handbook For Adapting Kohlberg To the Classroom* would be used. Some parts of this model were incorporated into the secondary school modules also.

The modules were piloted in the classrooms of the teachers who developed them. The teachers felt that the use of quotations in the actual modules provide a great deal of meaningful discussion in the classroom.

PRE-WORKSHOP

Preliminary contact with teachers/principals to obtain released time for teachers • Letter to teachers/principals stating parameters of workshop/provisions for substitute pay • Schedule location for workshop • Order/obtain materials and resources that teachers will use in workshop • Send packet of related materials to teachers selected so they can preview them prior to the workshop • Write agenda for workshop • Contact any outside resource persons and outline specific time/objectives expected from them for presentation • Arrange for any audio-visual equipment, chalkboard, etc., resource person will need.

WORKSHOP – Day One:

8:00 - 8:15 a.m.	Coffee/refreshments/greetings.
8:15 - 9:00 a.m.	Outline expectations for teachers; give background and overview of task.
9:00 - 10:00 a.m.	Brief history and explanation of NCCJ.
10:00 - 10:15 a.m.	Break
10:15 - 12:30 p.m.	Detailed outline of philosophy of project; discussion of format/selection of modules; detailed question and answer session; focus on task by curriculum developer, Catherine Pickle.
12:30 - 1:15 p.m.	Lunch
1:15 - 3:30 p.m.	Teachers' writing session; specific focus/refocus on writing of modules; Catherine Pickle worked individually and collectively with teacher-writers.
3:30 - 4:00 p.m.	Whole group closure/summary of day's work; agenda/tasks for second day.

WORKSHOP – Day Two:

8:00 - 9:00 a.m.	Coffee/refreshments; sharing of ideas and thoughts from prior day's work; teachers had assimilated much of the philosophy and content of the project.
9:00 - 3:00 p.m.	Discussion and development of the modules.

WORKSHOP – Day Three:

8:00 - 9:00 a.m.	Coffee/refreshments; sharing of experience in piloting of the first modules (see below).
9:00 - 3:00 p.m.	Revision of the first modules and development of the second modules.
	Teachers decided to pilot and call in results of second modules (see below).

FEEDBACK FROM CLASSROOM USE OF MODULES

Teachers found that the modules worked well with all grade levels. Secondary students were more familiar with both the content of the Constitution and with small group activities/assignments. Younger students needed more background content but quickly mastered the skills needed for the modules.

On all levels, teachers found that at least two class periods, preferably three, were needed for each module.

Constitutional Process

STUDENTS HAVE THE RIGHT TO VOTE

(Elementary)

[The Constitutional process reflects]"... the ideals and standards we as a society hold to be worthy of praise and emulation..."

Bill Honig,
California State
Superintendent of
Public Instruction

Submitted by:
Katie Howse, Lester Demonstration School
Barbara Segal, Rainshaven Elementary School

GRADES K-3

Constitutional Framework: *Amendments XV and XIX:*

Amendment XV

Section 1. The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of race, color, or previous condition of servitude.

Section 2. The Congress shall have power to enforce this article by appropriate legislation.

Amendment XIX

The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of sex.

Congress shall have power to enforce this article by appropriate legislation.

TEACHING PROCESS

Goal: To allow students to develop an understanding of how the Constitution works in their everyday lives.

Concept: Voting in a democracy is a privilege and a responsibility for all citizens.

Objective: The student will be able to understand the value of voting by exercising this right in the classroom.

Vocabulary:
Citizen: A resident of a country who is given rights and expected to assume responsibilities.
Democratic society: A community where all citizens are treated equally.
Majority: The larger number.
Vote: A way of letting others know your choice.

Materials: Pictures of different flavored ice cream cones.
Vocabulary cards - optional.

Focus:
It's election time in Berryville County. A first grade teacher wants her class to understand the value of voting in a democratic society. In some classes, students sit on the floor for reading circle, but her class uses chairs. Since she has no objection to students

sitting on the floor, she decides this would be a good issue on which to vote.

Note: See extended activities for voting issues that may be more appropriate for higher grades.

Characters:
The students in Mrs. Smith's first grade class will vote on this issue.

Choices:
The students will abide by the result of the vote for a stated length of time (six weeks, two weeks, etc.) as decided by the teacher and/or students.

Issue: Should we sit on the floor or use reading chairs for our reading group lesson?

Sample probing questions:

1. Why is it important to vote?
2. Is voting fair? Why or why not?
3. Is it important for everyone to vote? Why or why not?
4. What are the advantages/disadvantages of each of the two choices? (This is important as the students get to practice looking at both sides of the issue in a formal way.)

Have the students "sign on" using the constitutional facsimile.

ALTERNATIVE ACTIVITIES

Motivation: The teacher will display pictures of three flavors of ice cream cones. She will tell her class she wants to find out their favorite kind of ice cream. The students will pick one and raise their hands to indicate their favorite. The teacher will count the hands and indicate "the winner."

State the Objective and Write on the Board: The student will be able to understand the value of voting by exercising this right in the classroom.

Teaching procedures:

1. The teacher will tell the students that what they just did was vote.
2. The teacher will write the word VOTE and the definition of voting on the board.

Vote: A way of letting others know your choice.

The teacher will relate the focus background information to the students.

The teacher will lead the discussion of the situation.

Probing Questions:

1. On what will the students vote?
2. What will happen after the vote?
3. Why will everybody have to do the same thing?

At this point, the teacher will introduce the word, ***Majority:*** The larger number.
The teacher will explain to the class that all citizens have the right to vote. This right is guaranteed by the Constitution of the United States.

At this point, the teacher will introduce the word, ***Citizen:*** A resident of a country who is given rights and expected to assume responsibilities.

Sample Probing Questions:

1. Why is it important to vote?
2. Is voting fair? Why or why not?
3. Is it important that everyone vote?
4. Is it fair that the majority vote will win?
5. Why is it important to know both sides of an issue?

Evaluation: The teacher will observe students' involvement in classroom discussion and participation.

Extended Activities: To relate this lesson to the students' everyday lives, it is strongly recommended that the students be given an opportunity to vote on an issue that is relevant to them. Some of the following activities may be used instead of the ones stated, in lessons for students in and above the first grade.

1. ***Suggested choices:***
   a. physical education activities.
   b. Friday treats.
   c. learning centers.
   d. special art activities.
   e. field trip.
   f. movie.
   g. zoo locations.
   h. selection of one person to represent the class at some event.
2. ***Different methods of voting:*** (One or more of these may be incorporated into the voting activity).
   a. body gestures - show of hands, stand up or down, thumbs up or down, etc.
   b. secret ballot.
   c. voting machines.
3. ***Challenge Questions:***
   a. Why is voting a responsibility of all citizens? Why is voting a privilege?
   b. What if this privilege were denied to certain groups (men-women, black-white, home owners-renters, etc.)?

Have the students "sign on" using the constitutional facsimile.

Constitutional Process

SHOULD THERE BE A DRESS CODE?

(Elementary)

"What our Constitution says, what our legislatures do, and what our courts write are vitally important. But the reality of freedom in our daily lives is shown by the attitudes and policies of people toward each other in the very block or township where we live. There we will find the real measure of A Living Bill of Rights."

Associate Justice William O. Douglas,
"A Living Bill of Rights."
From a speech to Anti-Defamation
League of B'nai B'rith,
New York, 1961

Submitted by:
Barbara Segal,
Rainshaven Elementary School
Katie Howse,
Lester Demonstration School

GRADES 4-6

Amendment I

Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances.

Constitutional Framework
Amendment 1 - Right to petition a grievance; the right to protest peacefully a perceived wrong.

Goal: To help students develop an understanding of how the Constitution works in their everyday lives.

Concept: Individuals have the right under the Constitution to seek redress of a grievance.

Objective: The student will be able to state how the outcome of a particular situation is related to a specific Amendment of the Constitution.

Vocabulary:

Authority: The power to make a final decision.

Defy: To oppose openly.

Code: Any set of rules.

Fair: Not favoring one more than another; according to a set of rules.

Right: Permission given to a person by law.

Freedom: Being able to think and act without hindrance or restraint.

Materials: Chalkboard and chalk.
Copies of the Bill of Rights.
Pictures of current fashions.

Focus:
In the Berryville Public School System, there are several schools that are not air-conditioned. The school board has left the dress code up to the individual principals. Inconsistencies have developed from school to school and within individual schools.

In most schools, the dress code has been designed to allow primary students to wear play clothes, including shorts. Intermediate grade students must wear dresses or slacks.

Characters:
At Cherryhill Elementary School, a group of fifth grade students, with their parents' approval, have chosen to defy the dress code. They have shown up at school wearing shorts after repeated warnings from their principal.

Choices:
Following the disciplinary procedures enforced at the school, the students are sent home from school. They are told they can return to school the next day if they dress according to the dress code. Will these students adhere to the dress code?

1. Yes
2. No

Constitutional Dilemmas:

1. Does the school have the authority to enforce a dress code that does not apply to all students?
2. Do the students have the right to dress as they wish for school?

TEACHING PROCESS

Motivation: Teacher displays pictures of current fashions, including some fashions that are totally inappropriate for school. The teacher asks the students if there should be a school dress code, accepting all answers and encouraging broad participation by the class in the discussion.

State the Objective and Write on the Board: The student will be able to state how the outcome of a particular situation is related to a specific Amendment of the Constitution.

Teaching Procedures:

1. The teacher will give the focus background information to the students.
2. The teacher will solicit possible choices from the students.
3. Student responses are listed on the board.
4. Through classroom discussion, the teacher will lead the students to conclude that there are only two choices:
   Will the students adhere to the dress code?
   1. YES 2. NO
5. The teacher will now present and write on the board these Constitutional dilemmas: Does the school have the authority to enforce a dress code that does not apply to all students? Do the students have the right to dress as they wish for school?
6. The teacher will ask probing questions to guide the students' understanding of the Constitutional dilemmas.

Probing Questions:

1. Why should there be a dress code?
2. What right does the school have to establish a dress code?
3. Should the dress code be the same for all students, regardless of age? Why or why not?
4. How can the students let the school know how they feel?
5. How can the students and school come to a compromise on this issue?
6. The teacher will distribute a copy of the Bill of Rights to each student and have the students read the First Amendment.
7. The teacher will ask what the relationship is between what has been discussed and the First Amendment.
8. Why was it important for the founding fathers to write this First Amendment?

Evaluation:

1. The teacher will observe the students' participation in classroom discussion.
2. The teacher will have each student restate the constitutional dilemmas and how they relate to their everyday lives.

Extension:

Activity 1. Have the students ask their parents if they have ever had a dress code at work and, if so, do they think it is fair.

Activity 2. Have the students try to find a situation in their everyday lives that is also protected by the First Amendment.

Have the students "sign on" using the constitutional facsimile.

Constitutional Process

"WHOSE NEWSPAPER IS IT?"

(Junior and Senior High)

"Any departure from absolute regimentation may cause trouble. Any variation from the Majority's opinion may inspire fear. Any word spoken in class, in the lunchroom, or on campus, that deviates from the views of another person may start an argument or cause a disturbance. But our Constitution says we must take this risk; and our history says that it is this sort of hazardous freedom . . . this kind of openness . . . that is the basis of our national strength . . ."

Associate Justice Abe Fortas,
Tinker vs. Des Moines Independent School District, 393 U.S. 503 (1969)

Submitted by:
Ernestine Hollimon, South Side High School
Robert Thompson, Havenview Junior High School

Amendment I

Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances.

Selections from STUDENT HANDBOOK

STUDENT RIGHTS AND RESPONSIBILITIES

FREEDOM OF EXPRESSION

Freedom of expression cannot legally be restricted unless its exercise interferes with the orderly conduct of classes or school work.

Such an expression should not mock, ridicule, or otherwise deliberately demean or provoke others because of race, sex, religion, nationality or economic status.

STUDENT COMMUNICATION

Students may have a designated bulletin board and may display materials subject to the same procedures and restrictions referred to herein.

School newspapers, yearbooks and other similar publications are to be encouraged as learning experiences. In order to meet high publication standards, a qualified advisor will be appointed by the principal to work with duly elected student editors and staff. It is essential that these publications provide opportunities for members of the student body to express their views.

NCCJ

TO THE TEACHER

Goals: This exercise:

1. Will develop critical thinking skills through the use of the case study method.
2. Will improve understanding of the fundamental principles and values underlying our Constitution, laws and legal system.
3. Will bring about a greater sense of justice, tolerance and fairness.

Concept:

The Constitution is the highest and most inclusive United States symbol. The Constitution gives a framework to a system. Every generation advances its own rationale for its behavior—within the framework of the Constitution.

Background:

1. Fullerton is a small, rural community in eastern Pennsylvania.
2. The school newspaper, *The Clarion*, is printed and distributed by students on the newspaper staff.
3. The paper is funded by school funds.
4. Two stipulations must be followed:
   a. administrative review before publication.
   b. the newspaper is "not to print any article that might provoke controversy."

The local school board, as a means of enhancing the academic performance of students, has promulgated a policy which requires a "C" average for all students who wish to participate in athletics and extracurricular activities.

The editorial staff of *The Clarion* has written and intends to publish, an article that strongly condemns the new policy. The principal, following the long established "stipulations to publish" policy, refuses to allow the students to distribute the newspaper unless the editorial against the grade policy is deleted.

Upon learning of the principal's decision not to allow them to publish, the newspaper staff meets and attempts to resolve the impasse. How should the students resolve this issue?

Teaching Process:

Before the session begins: Materials to be distributed to the students prior to the presentation of the lesson:

1. A copy of the case study, "Whose Newspaper Is It?" and the accompanying quotation by Associate Justice Abe Fortas.
2. List of the vocabulary words.
3. Directions to read the case study and define vocabulary in the context of the readings.

The Session:

1. Review vocabulary words and case study for understanding.
2. Distribute individual report forms containing the "probing questions" and give students twenty minutes to answer.
3. Assign groups, a group leader and secretary for each group.
4. Distribute the group report forms for group activity to answer questions.
5. The teacher should circulate among the groups.
6. As a facilitator, the teacher instructs the group leaders to report their decisions to the class.
7. Follow-up:
   Distribute selections from *Student Handbook*, as a guide; conduct a general discussion. Suggested questions follow:
   a. Compare the school board policies on student freedoms with First Amendment freedoms that apply to this issue.
   b. What similarities exist?
   c. Why do you think the language in this policy so closely matches the language of the Constitution?

Evaluation:

Collect individual and group report forms along with the vocabulary words. Students may also be evaluated on the basis of group participation.

Have the students " sign on" using the constitutional facsimile.

NCCJ

VOCABULARY

Absolute: Perfect; complete; whole.

Constitution: The document that states the laws and principles of a government.

Deviate: To turn from a course or direction.

Directive: A general instruction or order issued authoritatively.

Feasible: Capable of being done or carried out.

Hazardous: Dangerous or risky.

Injustice: The quality of being unjust or unfair.

Perceived: To become aware of by sight, hearing, etc.

Prior Restraint: An effort to prohibit an activity in advance: for example, to censor a book before publication.

Promulgated: To publish or make known officially.

Regimentation: To organize in a rigid system under strict discipline.

Stipulation: Essential conditions or requisites in an agreement.

Symbolic Speech: Speech that uses one thing (symbol) to mean another.

Variation: Change or deviation in form, condition, appearance, etc.

NCCJ

INDIVIDUAL REPORT FORM

Group # _____

Student's Name _____

These questions are to be answered before going on to group discussion:

1. How should the students respond to the principal's directive not to publish the article?
   a. State at least three *feasible* options.
   b. Rank your options according to choice.
2. Is there a constitutional issue in this case study? If so, state it.
3. Should student publications be treated differently from the daily newspaper in your community? Why or why not?
4. Under what conditions would you allow school administrators to impose prior restraints on student publications?
5. Reread the quotation by Associate Justice Abe Fortas. What is the relationship between the quotation and the case study?
6. What language in the First Amendment speaks to the constitutional issue raised in this case study?

GROUP REPORT FORM

Group # _____

Student Names
1. _____
2. _____
3. _____
4. _____
5. _____

Group Leader _____

Reporter _____

Instructions:

1. The group leader will lead the discussion by:
   a. Going over each question.
   b. Selecting the best answer for each question and having the reporter write out the answer.
2. After completing the *Individual Report Form* questions, answer the following:
   a. Did the group discussion change your opinion on *Individual Report Form* question #1?
   b. When should a person take a stand?
   c. Do people in society have a responsibility to take a stand against a perceived injustice?

Constitutional Process

"WHAT ABOUT OUR PROM?"

(Junior and Senior High)

"Though we are only inheritors of the Constitution and not makers of it, the continuation of orderly government under the Constitution requires not only our tacit assent, but also our active participation in accepting the duties as well as the rights which we derive from it. If it were possible, it could be more than symbolic to have all persons upon reaching voting age sign a document of ratification to signify that they understand the principles of the Constitution and accept the rights and responsibilities it bestows upon them."

Mark H. Curtis,
President of the Association
of American Colleges, 1984

"If those who hold and wield the power are not sensitive to the guarantees of individual liberty, the likelihood . . . of official lawlessness . . . cannot help but increase."

Associate Justice William J. Brennan, Jr.,
"Teaching the Bill of Rights"
From a 1962 speech

Submitted by:
Ernestine Hollimon, South Side High School
Robert Thompson, Havenview Junior High School

TO THE TEACHER

Goals: This exercise will:

1. Enable students to analyze critically a constitutional issue and make a decision.
2. Increase understanding of the fundamental principles and values underlying our constitutional and legal system.

Concept: As citizens, students have constitutional rights.

Objectives: The students will be able to:

1. Explore a situation and analyze the dilemma posed by the case study.
2. Analyze quotations by Mark H. Curtis and Associate Justice William J. Brennan, Jr. and show their relationship to the case study.

Background:

"Senior Cut Day" has been a tradition at Maryville High School. Although the local schools and school board cannot recognize the day as a legal absence, they have not made the cut day an issue.

Maryville High School has a new administrator this year. A month before the scheduled cut day, the principal announced that "Senior Cut Day" is in violation of school attendance law and that any senior student who is absent will be classified as truant. Furthermore, any senior who participates in "Cut Day" will be excluded from attending the senior prom.

When "Cut Day" arrived, a majority of the seniors were absent from school. Immediately the principal announced that there would be no senior prom.

The Student Council at Maryville High School called for a meeting with the principal to discuss his position and to determine whether he will reconsider his decision about the prom. The principal remained adamant: "The students knew the consequences of violating the rules."

The following day, the Student Council began to organize efforts to protest the principal's decision. Upon hearing this, the principal announced that any further activities on this matter will result in the dissolution of the Student Council and the suspension of any student who continues to exacerbate the situation.

What should the Student Council members do?

What constitutional issues are involved?

METHOD ONE
THE LEGAL BRIEF

The following teaching technique employs the use of the Legal Brief method. It is recommended for use with advanced classes and will require a working time of three to five days.

The Role Of The Teacher

In using the Legal Brief method, teachers should be prepared to assume several roles: that of interrogator, analyst, moderator and listener.

In analyzing this case, teachers should keep in mind five important steps:

1. Identify relevant facts.
2. Examine the Constitution—specifically, the Bill of Rights—to see how it relates to the case study.
3. Find the applicable law at school (*Student Rights and Responsibilities;* See Resource Document following this exercise).
4. Apply information to the immediate situation.
5. Arrive at a conclusion or an opinion.

In writing a legal brief, keep in mind that only concrete facts are needed. The narrative should include:

1. Short, well-paced sentences to hold the students' attention.
2. The strongest argument of each party, stated in an objective manner.
3. A vocabulary that corresponds to the students' level of comprehension, with the exception of technical terms that the teacher might specifically want the students to learn.
4. Questions pinpointing issues for which the teacher wants the class to be particularly prepared.

Classroom Participation and the Legal Brief Method

Before using the Legal Brief method, the goals of this method should be explained to the students. The following guidelines should be given to the students:

1. List the pertinent facts.
2. Identify the opposing points of view.
3. Decide which point of view best expresses your opinion and support it.

One approach toward getting the facts before the class is the use of a written brief. A brief is a short and concise statement of the case which can be used for class discussion. A brief consists of the following points:

1. ***Nature of the case or cause of action***

This section indicates the form of action taken by the principal:

a. Threatened dissolution of the Student Council.

b. Cancellation of the Senior Prom.

The types of proceedings that could be pursued by the students to redress perceived grievances:

a. Arbitration.
b. Petition.
c. Boycott.
d. Rally.
e. Letter-writing.

Relief sought by the students:

a. Protection of the Council from arbitrary action by the principal.

b. Allowing the students to have their Senior Prom.

2. ***Facts***

This section contains a concise statement of the relevant facts of the case. Here the brief should identify the parties and their conflict.

3. ***Issue***

The issue is phrased in the form of a question: Should the principal's order cancelling the dance be allowed to stand? Should the principal be allowed to use his power to suspend students in order to silence dissent?

4. ***Holding***

This section allows the students to develop concise statements on the issues raised in the Legal Brief.

Students might be expected to write an entire brief, or a teacher can assign various sections of the brief to different students. The briefs can be detailed or simple, depending upon the grade level and reading comprehension of the students. After selected students recite their briefs, the teacher will direct the class discussion. Questions posed by the teacher can be directed to the student who recited the brief or to the class as a whole.

A brief provides a guideline for students during class discussion. It also forces students to read carefully and to prepare in advance that which is critical to the case study method.

Once the students have mastered the briefing skills, the teacher may abandon the recitation in favor of general class discussion. The following are suggested questions to be directed for either recitation or general discussion:

Possible Probe Questions For General Discussion
(Can be utilized with either the Legal Brief method or the Case Study method.)

1. What word would you use to describe the action taken by the principal regarding his position on "Senior Cut Day"?
2. Why do you think the principal cancelled the prom?
3. Do you think the principal's response to the Student Council, "The students knew the consequences of violating the rules," was *fair*? Why or why not?
4. As a member of the Student Council, what actions—(name at least five)—would you encourage the Council to pursue?
5. Is there a constitutional issue in this case study? If so, state it.
6. Re-read the quotations by Mark H. Curtis and Associate Justice William J. Brennan, Jr. What is the relationship between the quotations and the case study?
7. State your best argument for defending the actions of the principal.

Evaluation
The traditional way of testing students who have been exposed to the Legal Brief method is the essay examination. If this is the method used to evaluate, it is important to remember that the conclusion the student reaches is less important than the type of reasoning that was used to reach that conclusion.

Have the students "sign on" using the constitutional facsimile.

VOCABULARY

The following words are used in the quotations by Mark H. Curtis and Associate Justice William J. Brennan, Jr. and in the case study. Define the words in their proper context.

1. constitution
2. regimentation
3. variation
4. deviate
5. hazardous
6. absolute
7. inheritors
8. tacit
9. assent
10. derived
11. symbolic
12. ratification
13. signify
14. bestows
15. tradition
16. legal
17. issue
18. violation
19. classified
20. truant
21. excluded
22. adamant
23. dissolution
24. exacerbate
25. wield

METHOD TWO
SIMPLIFIED CASE STUDY

For those teachers who do not feel that the Legal Brief method is suitable for their classes, a simplified Case Study method may be substituted.

1. ***Before the session begins:***

   Materials to be distributed to the students prior to the presentation of the lesson:

   a. A copy of the case study, "What About Our Prom?" and the accompanying constitutional quotations.

   b. Vocabulary word list – without definitions.

   c. Directions to read the case study and define vocabulary in the context of the reading.

2. ***The Session:***

   a. Review vocabulary words and case study for understanding.

   b. Distribute the probe questions and give students twenty minutes to answer.

   c. The teacher will circulate among the students to insure that they remain focused on the issues raised in the case study.

   d. The teacher will lead a general class discussion of the probe questions and the students' responses.

FOLLOW-UP

(Can be used with either the Legal Brief method or the simplified Case Study method.)

The teacher will distribute to each student a copy of *Student Rights and Responsibilities**. Have the students select and read those excerpts that are relevant to the case study. After giving students time to do this, the teacher will lead a general discussion.

Questions for discussion could include:

1. Which excerpts from *Student Rights and Responsibilities* are relevant to the case study?
2. Compare the school board's policies on student freedom with First Amendment freedoms that apply to this issue.
3. What similarities exist?
4. Why do you think the language in this policy statement so closely matches the language of the Constitution?

*See Resource Document, next page.

Resource Document
Student Rights And Responsibilities

(This document, an official statement used in Memphis, is keyed to the previous exercise. Teachers may wish to substitute a local statement of similar content.)

INTRODUCTION

Student involvement in the educational process is a must. Schools exist for the purpose of creating a stimulating climate for all students. Active involvement of students in their education, including planning and evaluation, fosters a spirit of inquiry where students may freely express their own views and listen to and evaluate the opinions of others. The entire school staff, parents and students have the responsibility to work together so that each student will attain his educational goal.

To achieve these goals, it is necessary that we recognize and respect the worth of each individual. It is for this reason that we strive to develop in students, an appreciation of the democratic way of life. In achieving this goal, we must attempt to avoid the extremes of regimentation and authoritarianism on the one hand and anarchy and irresponsibility on the other.

The statements in this document are made so that students may understand their rights as well as their responsibilities.

Principals are assigned to individual schools by the Board of Education. They are given the authority to administer that school, operating within the adopted policies and procedures of both the elected Board of Education and the Superintendent's Staff. In addition to the responsibility of providing leadership to the entire school staff as it relates to activities and instruction, the principal is charged with maintaining good discipline on campus, in the building and within the classrooms. Without appropriate order and good discipline, the education process will suffer and learning will not take place. Therefore, it is expected that every staff member, student and parent within the school community assume a share of the responsibility to see that a proper atmosphere for learning exists.

It shall be the responsibility of teachers, students and administrators to see that rules are fair, reasonable and necessary for the successful operation of the school. Every teacher, administrator and other designated employee shall assume responsibility for the enforcement of necessary rules.

It is our sincere belief that many aspects of unacceptable behavior will be eliminated by ensuring situations in which students can function reasonably in a policy-making role regarding matters which pertain to them.

ELECTIONS

The Student Council shall conduct all student elections except those pertaining to specific clubs or organizations. The principal may appoint faculty members to serve in an advisory capacity.

Election procedures should be established well in advance and should not be changed within three months of any election without the approval of the student body. All students meeting the qualifications stipulated by the Student Council will be eligible to hold office regardless of race, sex, religion, nationality or economic status.

THE ROLE OF THE STUDENT COUNCIL

Each secondary school in the Memphis City Schools system shall have a duly elected Student Council and the scope of its powers, privileges and responsibilities shall be a matter of public record. This Council shall be the official body representing students. Its specific function will be (1) to promote involvement in the total school program; (2) to encourage the practice of good citizenship among members of the school; (3) to conduct all student elections; (4) to assist in the planning and implementation of assembly programs; (5) to serve as the students' communication vehicle to the administration. It should also receive formalized proposals from individuals or groups of students for study and then make recommendations to the principal.

The local Student Council shall be represented in a city-wide association by its President or representative. The Association of Student Council Presidents will meet with a representative of the Department of Pupil Services and/or other staff members monthly during the school year. It will be charged with the responsibility of making recommendations regarding activities affecting students. These recommendations will be made to the Superintendent's executive staff. The meeting will be open to principals and Student Council sponsors; however, the meeting will be conducted by a student representative elected by the representative body with each school having one vote.

PERSONAL APPEARANCE

Appropriate student dress and grooming are the responsibilities of the students and parents. Therefore, unless some standard of dress and grooming presents an obvious health or safety hazard, is in violation of a reasonable requirement of a course or activity or proves to be disruptive in the educational process, it will be permitted.

EXTRACURRICULAR ACTIVITIES

Extracurricular activities are important to school life and contribute to the overall development of the student. Schools should provide opportunities for emotional outlet through planned and supervised activities such as athletic events, dances, organizations and other activities where students may have social interaction with each other.

Proms and dances may not be held other than after regular school closing time. Responsible parent groups willing to sponsor and supervise such activities on behalf of the total school program must first seek approval of the school principal. The principal may approve activities if guidelines are met.

Membership in school clubs is open to any student who qualifies, regardless of race, sex, religion, nationality or economic status. Each club must have a school sponsor and the charter shall be approved or rejected by the principal after he has reviewed its goals and purposes.

PROGRAMS AND ASSEMBLIES

Students, as well as staff should be involved in the planning and production of programs and assemblies. Student participation should be encouraged. Outside speakers may be recommended by both students and teachers; however, all such activities must be planned and implemented under the supervision of a teacher-sponsor or by the principal. The principal must be responsible for the final decision which includes setting the time and place for all such approved activities.

Efforts shall be made to prevent demonstrations, illustrations or language that would offend, demean or insult any student, parent, faculty or staff member of any race, sex, religion, nationality or economic status.

FREEDOM OF EXPRESSION

Freedom of expression cannot legally be restricted unless its exercise interferes with the orderly conduct of classes or school work.

Such an expression should not mock, ridicule or otherwise deliberately demean or provoke others because of race, sex, religion, nationality or economic status.

STUDENT COMMUNICATION

Students may have a designated bulletin board and may display materials subject to the same procedures and restrictions referred to herein.

School newspapers, yearbooks and other similar publications are to be encouraged as learning experiences. In order to meet high publication standards, a qualified advisor will be appointed by the principal to work with duly elected student editors and staff. It is essential that these publications provide opportunities for members of the student body to express their views.

STUDENT BEHAVIOR

One of the basic objectives of education is to help the student to develop self-discipline.

Good discipline within a school is necessary to insure a proper learning situation. It is the responsibility of the Board of Education, the administrative staff and the school personnel to take measures necessary to provide the proper atmosphere for the instruction of pupils.

The educational institution is designed to foster good citizenship and to provide educational opportunities to all pupils. Therefore, the students as well as parents, must realize that the Memphis public schools will not continue to offer educational opportunities to those students who do not try within their capacities to benefit from school attendance and whose continuing disruptive behavior hinders the progress of other students.

The principal is responsible for all phases of the educational program within a school; therefore, complete cooperation of all students, parents and school personnel is essential.

Students must be informed and avail themselves of local rules regulating student behavior. These rules shall include, but not be limited to, Board of Education policies, municipal, state and federal laws as they apply to compulsory attendance, drugs, alcohol, tobacco and weapons.

PROPERTY

Students have a right to be secure in their persons, papers and effects against unreasonable searches and seizures. They are entitled to privacy in regard to their personal possessions unless there is reasonable suspicion that the student is concealing materials prohibited by law.

When circumstances dictate and there is reasonable cause, the principal may order a search of school property furnished to the pupil. If it seems probable to the principal that a student has a dangerous weapon or a concealed drug, a personal search, as is necessary under the circumstances, may be conducted. Personal containers may also be required to be emptied. Vehicles owned, operated or used by students and which are parked on school property are subject to search when there is reasonable cause to believe that a dangerous weapon or drug may be in the vehicle.

Students are expected to respect the property of others as well as the property of the school.

APPEALS

After a conference has been held with the principal, students or groups who wish to communicate beyond the school level to the Area Superintendent may do so only with the approval and participation of their parent (or guardian). Students must be accompanied by their parent (or guardian) in any appeal or presentation to the Area Office of the Board of Education. Appeals relative to disciplinary and pupil assignment concerns will be conducted through the Department of Pupil Services as per Board Policy 5161. This does not take away from the individual student the right to seek an audience with any school official. However, to appeal a decision or ruling, the order of appeal as listed must be followed.

The parent (or guardian) and student must be informed of their right to appeal cases in which agreement cannot be reached until the final decision has been made by the Board of Education. Therefore, the order of appeal will be from the principal to the Area Superintendent or Assistant Superintendent, Department of Pupil Services, to the Superintendent, to the elected Board of Education.

Constitutional Process

"A MATTER OF PUBLIC SENTIMENT"

(Junior and Senior High)

[The Constitutional process reflects] ". . . the ideals and standards we as a society hold to be worthy of praise and emulation . . . "

Bill Honig,
California State
Superintendent of
Public Instruction

"What our Constitution says, what our legislatures do, and what our courts write are vitally important. But the reality of freedom in our daily lives is shown by the attitudes and policies of people toward each other in the very block or township where we live. There we will find the real measure of A Living Bill of Rights."

Associate Justice William O. Douglas,
"A Living Bill of Rights."
From a speech to Anti-Defamation
League of B'nai B'rith,
New York 1961

"Back of the Supreme Court, however, providing the ethical current that animates its decisions, is the massive though sometimes formless body of public sentiment. In the end, the Constitution always becomes what the People of America will it to be. That is why liberty is everyone's business."

Walter Gellhorn,
American Rights, the Constitution In Action, 1960

NCCJ

Submitted by:
Catherine Pickle, Ph.D.
Curriculum Developer

TO THE TEACHER

Amendment I

Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances.

Goals: This exercise is designed:

1. To give students the opportunity to examine the First Amendment to the Constitution with respect to individual and group rights and responsibilities.
2. To engage students in the analysis of a constitutional issue centered around the rights of freedom of speech, of the press, of petition and of peaceful assembly.
3. To enable students to examine ways in which citizens influence the law to reflect their own standards, acting within their constitutional rights.

Concepts:

Every generation advances its own rationale for its behavior – within the framework of the Constitution.

The Constitution is flexible and open to public influence within the processes provided for redress of perceived grievances.

Issue:

What Constitutional options do citizens/people have in the United States to influence the law to reflect their own standards?

This lesson contains one completed issue dealing with the sale of materials which a neighborhood considers obscene. There are many other issues that could be examined and analyzed by student groups using the same format. Some issues that might be considered are:

Nuclear energy.
Protection of public health and safety:
- –seat belt laws
- –sex education
- –population control

Terrorism.
Arms control.
Government support of armed revolution in other countries.
Conflict of interest by elected/appointed government officials.

Teaching Process:

Before the session begins: Materials to be distributed to the students prior to the presentation of the lesson:

1. A copy of the case study, "A Matter of Public Sentiment" and accompanying quotations from Bill Honig, Associate Justice William O. Douglas, Walter Gellhorn and the First Amendment.
2. List of the vocabulary words.
3. Directions to read the case study and define vocabulary in the context of the readings.

The Session:

1. Review vocabulary words and case study for understanding.
2. Distribute individual report forms containing the probing questions and give students twenty minutes to answer.
3. Assign groups, a group leader and secretary for each group.
4. Distribute the group report forms for group activity to answer questions.
5. The teacher should circulate among the groups.
6. As the facilitator, the teacher should instruct each group leader to report decisions to the classes.
7. Follow-up:
   Conduct a general discussion, using the following questions:
   a. Match the action of the Pastors Association, the Star Cablevision Company, the Allens, Reverend Tom Solomen, Theodore Manning and the writer of the letter to the editor with the First Amendment freedoms which each of them exercised.
   b. What conflict of rights granted in the First Amendment occur in this issue (freedom of speech, of the press, peaceful assembly, petition)?
   c. Should citizen groups become involved in moral values/issues in their communities?

Evaluation:

Collect individual and group report forms along with the vocabulary words. Students may also be evaluated on the basis of group participation.

Have the students "sign on" using the constitutional facsimile.

Background:
Distribution and sale of obscene materials has long been an issue in the courts of the United States, centering around the First Amendment rights of freedom of speech and freedom of the press. Most states have obscenity laws which govern both spoken and printed obscene material.

Obscenity, as a rule, is defined in state laws as that which appeals to a morbid interest in sex, describes sexual conduct in an offensive way or lacks serious literary, artistic, political or scientific value.

Challenges to these laws in the courts have centered around the ambiguity of obscene statutes resulting in no clear-cut precedents in law.

Citizen groups whose standards oppose the sale of alleged obscene printed materials or visuals often apply methods other than court action to ban such materials.

CASE STUDY

The Convenience stores in a large urban area were selling the *Playboy*, *Penthouse* and *Forum* magazines from their news racks. Concurrently, the local cable television company was franchised to provide the Playboy channel to residents.

Several religious denominations in the city banded together to oppose the sale of these alleged obscene commodities at the Convenience stores. They claimed that this influenced the youth of the community toward acceptance of obscenity as a norm and was in opposition to their teaching of moral values acceptable to the rearing of their children.

Initial attempts to have city ordinances written to ban such sales failed. Subsequently, a city-wide meeting of the opposition forces was called to consider options open to them after being defeated in their attempts to change the city ordinance. At the meeting, they organized into groups with each group responsible for carrying out the following actions:

1) To provide continuous picketing of the Convenience stores protesting the sale of the alleged obscene materials.
2) To provide picketing of the cable television company, protesting the Playboy channel.
3) To pressure members of the churches to stop subscribing to any cable television services unless the Playboy channel was dropped.
4) To initiate an extensive letter-writing campaign to each of the above organizations protesting their participation in selling these alleged obscene commodities.

Several months later, the following letter to the editor was published:

(Material copyrighted by "The Commercial Appeal")

To the Commercial Appeal:

I thank the Southland Corp. for banning the sale of Playboy, Penthouse and Forum magazines from their 7-Eleven convenience stores. They did a great service to our community and country.

I have picketed the 7-Eleven stores in support of the National Federation for Decency . . . I will now picket Cablevision until it takes the Playboy Channel off or the Lord comes, whichever comes first . . .

I will now go and shop at the 7-Eleven store that I picketed and obtained a blessing, because every time I go into the store, God will remind me of His power and the victory He has given us. Oh how sweet it is!

ROBERT E. WHITE

LAURA AND BILL ALLEN

Laura and Bill Allen are the children of James and Angela Allen. The family is active in the Temple Church, which is located near the Convenience store. The elementary school where Laura and Bill attend the fourth and sixth grades is two blocks down the street from the Convenience store.

Laura and Bill usually stop at the Convenience store on their way home from school, along with many of the other students from the school, to spend money left from their lunch allowance. Occasionally, they stop on their way to school to buy needed school supplies.

When Bill brought home a copy of the Playboy magazine, his parents became concerned and contacted the Convenience store manager about removing the magazines from the racks. The manager explained that the owners of the Convenience stores made him sell the magazines and he had no control over what was to be sold in the store.

The Allens contacted the principal of the school and asked him to forbid the children stopping at the store. The principal explained that he had no control over the students after they left the school campus. The Parents and Teachers Association discussed what they could do to stop the sale of the materials. Other parents in the Temple church were concerned about the materials they considered obscene being sold at the Convenience store. They went to their pastor and asked him what they could do.

REVEREND TOM SOLOMEN

The Reverend Tom Solomen has been pastor of the Temple Church for eleven years. During this time, the neighborhood has expanded with new homes and a new school, and the church has grown as a result. Most of his parishioners are young parents concerned with their children's education and social life.

Reverend Solomen joined the Pastors Association soon after coming to the Temple Church. This Association

meets once a month to discuss matters of mutual concern and interest to their respective parishioners. The Association has a history of activism on matters concerning the values of the community.

At the monthly meeting of the Association, Reverend Solomen brought up the question of the alleged obscene magazines being sold at the Convenience store. At this meeting, one of the ministers of the Association told them that the local cable television company had been franchised to sell the Playboy channel to their customers. An action committee was formed to see what steps could be taken by the Association to oppose these two activities.

THEODORE MANNING

Theodore Manning is the manager of the Convenience store. He has been manager for five years and has had a very good relationship with the neighborhood residents. He is tolerant of the students from the elementary school who come by his store, although their purchases are usually small; however, their parents patronize his store.

When the parents and the pastor of the local church came to him and demanded that he remove the three magazines which they considered obscene from his racks, he contacted the owners of the Convenience store and asked them what to do. His sales from the periodicals were substantial and growing each month. He was somewhat relieved when the owners told him that he was violating no state law by selling the magazines and to continue to sell them. He suggested to the parents that he would try to steer the children away from the racks and the magazines. However, he was often busy and could not spend much time in supervising the racks. In addition, his clerks often could not or would not do so.

He explained the situation to the parents and the pastor of the church, and thought that the matter was over.

He was very surprised when he came to work one morning and discovered pickets outside his store with signs protesting the sale of the magazines. He called the police to stop them. The police told him that as long as the pickets stayed on the sidewalk and created no disturbance, they were within the law to do so. That month, his sales revenues dropped dramatically due to the boycott of the store by the parents and others in the neighborhood.

STAR CABLEVISION COMPANY

The Star Cablevision Company launched a major advertising campaign to sign up subscribers to their recently franchised Playboy channel. The owners were surprised to find that the Pastors Association and the congregations of the churches represented by the Association were being urged to stop subscribing to any of the cable services offered by the company until they stopped offering the Playboy channel. The mail coming into the station was suddenly filled with letters from people urging the company to stop offering the Playboy channel. In addition, pickets appeared at the company protesting the Playboy channel.

The owners went to their lawyer to institute a court action for an injunction against the Pastors Association to stop their activities. The judge refused to issue such an injunction saying that the right to protest peacefully, to petition and to refuse to subscribe to the cable services was within the constitutional rights of the protesters as long as they observed the laws governing such actions.

VOCABULARY

Alleged: Merely stated or only charged.

Constitution: The way in which a government is organized or written.

Injunction: A judge's order to a person to do or to refrain from doing a particular thing; may be temporary, or after a trial may be permanent or dismissed.

Injustice: The quality of being unjust or unfair.

Obscene: Offensive, immoral, repulsive or lewd according to prevailing notions of modesty or decency; a general word, best defined as what the United States Supreme Court allows a prosecutor to prosecute successfully within that context.

Perceived: Became aware of by sight, hearing, etc.

Picketing: Gathering of persons outside a place, usually carrying signs, to disturb its activities or to inform the public of grievances, opinions, etc. about the place.

INDIVIDUAL REPORT FORM

Group # _____

Student's Name _____

These questions are to be answered before going on to group discussion:

1. How should the church groups respond to the Convenience store's decision not to stop selling the three magazines?
   a. State at least three legal options taken by the Pastors' Association and Church Members.
   b. Rank your options according to choice.
2. Is there a constitutional issue or issues in this case study? If so, state it (them).
3. Should student customers in a store be treated differently from other customers? Why or why not?
4. Under what conditions would you allow school administrators to impose restraints on students patronizing a store?
5. Re-read the quotations. What is the relationship between the quotations and the case study?
6. Does the news/entertainment media have a responsibility in such issues? Why or why not?
7. What language in the first Amendment speaks to the constitutional issue raised in this case study?

GROUP REPORT FORM

Group # _____

Student Names

1. _____
2. _____
3. _____
4. _____
5. _____

Instructions:

1. **Group Leader** _____
2. **Reporter** _____
3. The group leader will:
   a. Lead the discussion.
   b. Go over each question.
   c. Select the best answer for each question.
   d. Have the reporter write out the answer.
4. After completing the *Individual Report Form* questions, answer the following:
   a. Did the group discussion change your opinion on *Individual Report Form* question #1?
   b. When should an individual or group take a stand?
   c. Do people in a community have a responsibility to take a stand against a perceived injustice?
   d. What other situations might this intepretation apply to?
   e. If you had absolute control what would you have done?

II

Instructional Activities On Constitutional Issues

Samuel L. Banks, Supervisor,
Office of Social Studies,
Baltimore, Maryland

Situation #1

Mary is a fifth-grader at the Pleasant Hills Elementary School in the Joyville public schools. Her academic performance and behavior throughout the five (5) years she has been a student at the Pleasant Hills Elementary School have been exemplary. However, a decision by a newly-appointed principal that all girls are to wear dresses or skirts with blouses to school has made Mary the center of attention in the school. Mary has been reprimanded by the teacher and principal for her refusal to comply with the new dress code.

Mary has a fondness for jeans and, in spite of the reprimands, continues to wear jeans to school because, in her opinion, "It is my right and my parents agree with me." Mary's parents, in an effort to resolve the matter, arrange a meeting with the principal so that Mary will have the freedom to continue wearing jeans to school. The principal refuses to change the "dress code" he has begun at Pleasant Hills Elementary School. Moreover, as the result of Mary's and her parents' refusal to comply with the dress code, she is placed on suspension until they comply.

HOW, IN YOUR OPINION, SHOULD THIS MATTER BE RESOLVED?

CONSTITUTIONAL ISSUES

1. First Amendment (Right to Petition).
2. Fifth and Fourteenth Amendments (Due Process).
3. Fourteenth Amendment (Equal Protection).

Situation #2

Rachel is an eighth-grader at the Happyville Junior High School in the Burbank public schools. She is a well-rounded student with a particular interest in athletics. As a result of her keen interest in athletics, Rachel applies for the tryouts for the newly organized boys' Happyville Junior High School Basketball Team.

The School is filled with excitement and controversy when word gets out that Rachel has applied for the boys' basketball team. In an effort to resolve the controversy, the principal announces over the public address system that Rachel will not be permitted to try out for the boys' basketball team, but a basketball team for girls will be organized during the next school year. Rachel is distressed by the decision and refuses to attend classes. She is later joined by many of her classmates in a boycott of classes. An impasse has developed.

HOW, IN YOUR OPINION, CAN THIS MATTER BE RESOLVED?

CONSTITUTIONAL ISSUES

1. First Amendment (Right to Petition).
2. Fifth and Fourteenth Amendments (Due Process).
3. Fourteenth Amendment (Equal Protection).

Situation #3

John and Mary are eleventh-graders at Glen View High School in the Forest public schools. Each of them is well-known in Glen View High School because of their academic achievements and leadership in extracurricular activities.

The issue of the quality and variety of food served in the school cafeteria has long been a matter of deep concern to John and Mary. Discussions with the principal and cafeteria manager have been fruitless in terms of having a greater variety of food offered in the cafeteria.

As a result of a failure to effectuate change through discussion with the principal and cafeteria manager, John and Mary urge their fellow students at Glen View High School to join them in a boycott of the cafeteria. The principal advises John and Mary that they will be placed on suspension if they do not cease their agitation.

WHAT SHOULD JOHN AND MARY DO? WHY OR WHY NOT?

CONSTITUTIONAL ISSUES

1. First Amendment (Freedom of Speech and Assembly).
2. Fifth and Fourteenth Amendment (Due Process).
3. Fourteenth Amendment (Equal Protection).

Situation #4

Paul has just transferred from a private school to the Westside High School in the Western public schools. As an Orthodox Jew, Paul wears a yarmulke (head covering) to class on his first day of school. He is warned by both his teachers and his principal that a yarmulke will not be allowed in the school building. Paul, as a matter of principle and religious conviction, maintains that he will continue to wear his yarmulke. The principal indicates that he will be placed on suspension if he returns to the school with his yarmulke.

HOW SHOULD THIS MATTER BE RESOLVED?

CONSTITUTIONAL ISSUES

1. First Amendment (Religion).
2. Fifth Amendment (Due Process).
3. Fourteenth Amendment (Equal Protection).

Situation #5

The Board of Education, as a means of enhancing the academic performance of students and improving the image of the school district has promulgated a policy which requires a "C" average for all students who wish to participate in athletics and extracurricular activities (viz., band, choir, debating, student government, etc.). The decision has caused an uproar in the school district.

Over 50 percent of the Juggernaut Senior High School Football Team, district-wide champions, are disqualified by the new policy. The football scholarships that some of the players had counted on for college are now in jeopardy. The players bring a class action suit (for all students affected) charging that their constitutional rights have been violated.

HOW, IN YOUR OPINION, MIGHT THIS MATTER BE RESOLVED EQUITABLY?

CONSTITUTIONAL ISSUES

1. Fifth Amendment (Due Process).
2. Fourteenth Amendment (Equal Protection).

Have the students "sign on" using the constitutional facsimile.

III

Constitutional and Statute Law: What's the Difference?

(Junior and Senior High)

Jan Shipps, Director, Center for American Studies,
Indiana University—Purdue University at Indianapolis,
Indianapolis, Indiana

One responsibility of governments at every level—federal, state and local—is protection of the "general welfare," which means, among many other things, that governments need to regulate traffic. The government, in other words, has to make rules about transportation.

Exercise: Divide the class up into two groups of five members each. Ask each group to form themselves into a legislative body (town council) and pose the following situations about which they are to establish rules (statute laws):

A. The time is 1840. The people in the town have their houses built and are doing very well. Several citizens have bought fancy buggies and pairs of matched horses to pull them. On Saturdays, these people bring their buggies to town and come racing down Main Street to show them off. When several teams and buggies are on Main Street at the same time, there is danger that the buggies will lock wheels and cause wrecks. Also, the boys in the town have decided that it is great sport to throw rocks at the horses, frightening them and making accidents a possibility. What rules (statute laws) should the town council make to regulate this traffic and so fulfill their constitutional duty to protect the public safety?

B. The time is 1916. Buggies with internal combustion engines (i.e., cars) are getting popular. But when they come into town they frighten the horses on the roads, again making accidents likely. Also, the cars will go faster than the horse-drawn buggies—some of them will go 25 miles an hour. Should they be allowed to drive that fast? What rules should be made? How should they be enforced.?

C. The time is 1960. After World War II, the automobile manufacturers started developing automobiles that would easily go 80 miles an hour. Did the people who paid the money to buy these automobiles have the right to drive them as fast as they pleased? If not, why not?

D. The time is 1975. Several young people keep small airplanes at the airport near town. They like to go out on Saturdays and fly in formation close to the tops of the tallest buildings in town. The owners of the buildings are concerned that there will be an accident. Should the town council pass a law that would keep this from happening? What kind of law should it be?

After the groups have dealt with these issues, bring the class back together and discuss the decisions the groups made about whether laws should or should not be made in each case and any laws (rules) that each group made. The teacher or discussion leader should keep in mind that the overriding issue coming from this exercise should be the distinction between statute and fundamental law. In every case, whether legislating for (literally) horse and buggy days or the aeronautical age, the task the group should have tried to perform was protection of the general welfare and related to the public safety.

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III

A THOUGHT FOLLOWING FROM THIS EXERCISE

Because the First Amendment is fundamental law, a similar exercise could be developed setting up situations which would tempt those "town councils" to make laws that would abridge freedom of speech or the press or impinge on religious liberty.

For example, we could pose a situation in which a religious movement, new to the town, required the followers of the leader to give him all their salaries, or to refuse to salute the flag at school. The groups could be asked for their suggestions as to appropriate action.

Of course, taking the historical approach, we could ask groups to decide what to do about people, who, for religious reasons, refuse to wear clothes (shades of the Puritan-Quaker controversy in the early colonial period) or who, again for religious reasons, refuse to allow marriages before the believers are 30 years of age.

Have the students "sign on" using the constitutional facsimile.

IV

"Sign On" Activities

This *Idea Bank* contains a series of suggested activities or "nuggets" for use in the schools. In some cases, the teacher may wish to more fully develop or "flesh out" the appropriate activities or "nuggets" which are presented here; while in other cases, presentation of a portion of an activity may more succintly demonstrate how we "live" the Constitution every day of our lives.

These activities are interdisciplinary and need not be limited to Social Studies classes. The goal of this presentation is to engage the students in an appreciation of the constitutional process.

1. *Voter Participation* - Following presentation of the issues, students vote for class or school officer(s).

   He/she "signs on" to the Constitution. The student has participated in a fundamental constitutional process.

2. Prepare a short synopsis of court cases for class. As each case is presented, ask the students to "be the judge" and to render a decision. The actual court decision can then be shown to the class. Compare and discuss.

   Cases can be prepared for issues around:

   1) Blacks and other racial minorities.
   2) Women.
   3) Search and seizure.
   4) Freedom of speech, etc.

   Cases can be used for "open forums" or auditorium programs. After students take part in the program—either as direct participants or as observers, they can "sign on" to the Constitution. They have participated in or observed a constitutional process.

3. The high school administration issued a memorandum telling students that "rapping" (musical form) was no longer allowed because of its "disruptive influence" on student/administrator interactions. The ban ". . . applies to the entire school day including lunch periods and before and after school while the building is open for students' use. Students involved in 'rapping' during school hours will be disciplined . . ." Bloomfield (Connecticut) High School.

   Students can discuss these issues, address their grievances to the principal and/or have a forum to debate the issue (Amendment I).

   Afterwards, the students, teachers and principal "sign on" to the Constitution. They have all been involved in the constitutional process and have wrestled with their rights and responsibilities.

4. A program, in celebration of Martin Luther King Day, may concentrate on the ways Martin Luther King made the Constitution work for him. The students might compare the particular court decisions—*Plessy vs. Ferguson*, (separate but equal) with *Brown vs. Board of Education* (which made *Plessy vs. Ferguson* unconstitutional) and the resultant Civil Rights legislation.

   After participation, students "sign on" to the Constitution.

5. "Inquiry" activities for the schools:

   a. The class develops a class Constitution under which it decides to live for one month.

      1) During that month, they will discover that some of their rules and concepts work, while others don't.

      2) When certain processes aren't working, they will "amend" or "adjudicate" them.

   b. "Inquiry" activities with student councils:

      This kind of activity is empirical. It gives students "hands on" experience in understanding and "living" the Constitution.

   At the conclusion of a program, students will "sign on" to the Constitution.

6. The class might decide to propose Amendments to the Constitution in order to have "a more perfect Union." They may wish to delete portions of the Constitution in order to make it better. They may want to rewrite the Constitution. They may have a Constitutional Convention—and then look at the potential "can of worms" they may be opening or benefits they may achieve. As they participate in this process, they "sign on" to the Constitution.

7. In order to try to promote peace, the class may want to draft a "world" Constitution. They may write an inter-planetary or "space age" Constitution, especially delineating inter-planetary rights and responsibilities. Then, they "sign on" to the Constitution.

8. The students may participate in a "constitutionless" exercise in their class(es):

   1) Punishments can be meted out without due process.

   2) Leaders can arbitrarily be put in charge.

      a. All left-handed girls will lead the class.

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b. Only a boy may be in charge.
c. Only someone of a certain faith may be the class leader, etc.

3) Students can be detained after school for no reason (*habeas corpus*).

As a result of such an activity, students are more likely to recognize and appreciate constitutional values. They then "sign on" to the Constitution.

9. The students could write a "Family Constitution" in cooperation with their families—with special emphasis on "rights and responsibilities." Each family Constitution can then be treated as a "state Constitution." The students then coordinate and consolidate these "family" constitutions into one neighborhood constitution, thereby engaging in a similar historical process which took place in the United States prior to and through the time our Constitution was written. Students can then "sign on" to the Constitution.

10. In each community, there are specific community issues which relate to the Constitution. Students can find their own examples of the constitutional process, at home and through the newspaper.

    As each activity or process is concluded, people will "sign on" to the Constitution.

11. There are games, activities and publications which are highly visible via advertising media—but which some people consider very offensive. For example:

    1) Pornographic literature.
    2) Games such as "War Games."
    3) Cigarette advertising, etc.

    Basic constitutional issues are involved regarding the efforts to control dissemination of this material. Should we:

    1) Outlaw the game or literature, etc.?
    2) Pressure the advertising media so that they will refuse to accept advertising?
    3) Educate the public via publicity and advertising campaigns to not participate in offensive activities. The American Cancer Society's campaign against smoking might be used as an example.

    After discussion, students can "sign on" to the Constitution.

12. Our rights are balanced by responsibilities. Under our Constitution, some limits may be put on activities and speech. Consider the following examples:

    a. Do we have a right to shout fire in a crowded place when there is no fire?
    b. May we board an airplane and jokingly say we have a bomb in our suitcase?
    c. Can we criticize the police or the President in a TV speech?
    d. Can we write a letter supporting the rights of an unpopular organization?

    What constitutional principles are involved? How do rights and responsibilities conflict or converge in these or other examples?

    After this activity has been developed and concluded, students "sign on" to the Constitution.

13. Students could look for "mottos" which may relate to constitutional issues.

    Some examples of anti-constitutional mottos:

    1) "America, Love It or Leave It" (Does not allow for the right to dissent.)
    2) "Where there's smoke, there's fire" (The constitutional principle of being "innocent until proven guilty" is ignored.)

    After project is completed, students can "sign on" to the Constitution.

14. Students will use, for discussion, "real life" situations to demonstrate constitutional principles.

    a. ***Freedom, Authority/Power***

    1) All left-handed female students will be in charge of the class. They will decide:

    a) How often a student may use the bathroom.
    b) Who may speak out in class.
    c) Who may be first in line, etc.

    2) Extend this situation by then including all left-handed male students, then right-handed females, etc. until you are left with a "disenfranchised" minority. Give power to different groups for different activities (left-handed female students in charge of gym activities; right-handed males in charge of bathroom privileges, etc.).

    3) Responses to these given situations can be:

    a) I'm not going to play this game (dissent, revolution).
    b) I'm going to practice being left-handed; (getting into the mainstream by giving up my identity).
    c) Negotiate—I'll trade powers, etc. in order to try to maintain superior positions in the gymnasium and to be in a decision-making position in regard to bathroom privileges.

    b. ***Rights of divergent people/groups; Rights/responsibilities***

    1) There's a shortage of donors' blood.

    a) High School blood drive.

b) Some parents object to their children giving blood; (fear of AIDS, religious reasons, etc.).

2) What about bone marrow donor?

a) Man dying of leukemia.
b) Cousin has compatible bone marrow.
c) Without cousin's bone marrow, patient will die.
d) Cousin refuses to submit to bone marrow transfusion.
e) What about rights of patient?

3) Heart and kidney transplants - limited resources.

a) In order to qualify, patient must earn $20,000 or more.
b) Only American citizens are eligible.
c) A prisoner, upon death, will have his organs removed so they may be used for transplants.

1) Intent of total group may be good.
2) Who makes final judgment?

c. ***Powers of the state; right of eminent domain; freedom of assembly; power to appeal***

Simulation: Classroom - City

1) Highway cómes through city.

2) What about the power of the state?

3) Citizenry meets to object to highway.

4) What about protection of historic buildings, cemeteries?

5) Can the state annex a large area?

d. ***Equal access; discrimination; equal protection under the law***

1) Housing authority opens abandoned houses for sale.

2) Potential buyers must complete 15 forms.

3) 15% of the people who wish to buy are illiterate.

4) Result: Houses did not go to neediest potential buyers.

e. ***Authority/power; equal access***

1) Hiring for police and firemen now open. A three-point exam will be given.

a) Basic skills.
b) Physical skills.
c) Oral exam (minorities excluded from oral exam).

2) Police have to be 5'6".

f. ***Equal access; due process; discrimination***

School district wants to improve efficiency and use of tax dollars by abandoning bilingual education—requiring all instruction in English.

g. ***Discrimination; equal access***

Transportation Board plans to shorten ends of transportation lines in order to save dollars. The Board has a secret vote to accomplish this.

1) A "whistle blower" exposes this and is fired.

2) The poor live farther away from the city. It becomes more costly and more difficult for them to get to their jobs.

h. ***Freedoms - conforming to existing social order***

1) Dress Codes - Should students be allowed to wear hats?

2) Boys' hair should be no longer than 2 inches.

3) Boys must wear shirts and ties; girls must wear dresses.

i. ***Presenting students with dilemmas; rights and responsibilities***

1) Who should eat first in the cafeteria?

2) Should students have to change for athletics?

3) Students want a greater choice of electives.

4) Should participation in extra-curricular activities be mandatory?

5) Should a "C" be the lowest grade for participation in extra-curricular activities?

j. ***Should we accept authority which promotes the common good?***

Teen-Age Pregnancy

a) Welfare costs.
b) What effect does this have on:

1) Education
2) Economics

c) Do you allow a 13-year-old mother to raise her child?

15. ***Some suggested "Nuggets" for younger students***

a. A simple issue related to a class activity could be dealt with:
1) What is "fair" or "unfair"?

2) Playing by the rules. Can rules be changed?

These are constitutional concepts. Students, after processing these concepts, can "sign on" to the Constitution:

b. Younger students can participate in drawing a "Living Constitution" tree. The Constitution can be the trunk, the branches can be the Amendments. As the students learn small pieces of the Constitution, they add leaves to the branches. They then "sign on."

c. Children can draw pictures of Constitutional symbols. Some examples are the "Liberty Bell," the "Constitution," the "Statue of Liberty," the "Declaration of Independence," the "Washington

Monument," etc. After this activity is completed, students can "sign on" to the Constitution.

d. Let's create a better world. Students can describe the "world" as it now is (school, group, etc.). They can then have a project whereby they may offer to reorganize the school system or organize a new group. New rules may include issues such as:

1) How often a student may use the bathroom.

2) Who may speak out in class.

3) Who may be the first in line, etc.

Responses to these new rules may be:

1) I'm not going to play this game (dissent, revolution).

2) Negotiation—Compromising in rules, etc.

These are constitutional processes. Students then "sign on" to the Constitution.